

O P 070001Z APR 01
FM SECSTATE WASHDC
TO AMEMBASSY DOHA IMMEDIATE
INFO AMEMBASSY ISLAMABAD PRIORITY
USMISSION USUN NEW YORK PRIORITY
AMCONSUL KARACHI PRIORITY
AMCONSUL PESHAWAR PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY LONDON PRIORITY

S E C R E T STATE 061624

E.O. 12958: DECL: 06/04/11

TAGS: PREL PTER QA AF

SUBJECT: TALIBAN PROPOSAL FOR BIN LADEN ISLAMIC TRIBUNAL

REF: (A) TD-315/12389-01 (B) STATE 54430

(C) NEA A/S WALKER - QATAR FM HAMAD BIN JASSIM AL
THANI TELCON 04/06/01 AT APPROX. 1400 EDT

(U) CLASSIFIED BY NEA DAS ALLEN KEISWETTER, REASON 1.5
(B) AND (D)

11. (U) THIS IS AN ACTION REQUEST FOR DOHA. PLEASE SEE
PARA 3.

12. (S) THERE HAVE BEEN REPORTS FROM VARIOUS SOURCES THAT
DURING THE TALIBAN DELEGATION VISIT TO QATAR THE
TALIBAN AND QATARIS MAY DISCUSS A TRIBUNAL OF MUSLIM
SCHOLARS TO TRY USAMA BIN LADEN IN QATAR. REPORTEDLY,
UNDER THIS FORMULA, IF THE U.S. OFFERED SUFFICIENT
EVIDENCE AT THE TRIAL, THEN UBL COULD CONCEIVABLY FACE A
SENTENCE BY THE ISLAMIC TRIBUNAL. IF THE TRIBUNAL DOES NOT
FIND HIM GUILTY, THEN UBL WOULD PRESUMABLY BE CONSIDERED
BY MANY TO BE EXONERATED. PER REFTELCON, QATARI FM HAMAD

BIN JASSIM AL THANI (HBJ) TOLD NEA A/S WALKER ON APRIL 6
THAT HE WAS UNAWARE OF ANY QATARI CONTACTS WITH THE
TALIBAN ON THE ISSUE OF A TRIAL FOR UBL. THE ONLY
CONTACTS OF WHICH HBJ WAS AWARE WAS THE CONTACT QATAR
MADE, IN ITS OIC ROLE, TO URGE THE TALIBAN NOT TO DESTROY
BUDDHIST ARTIFACTS AND STATUES. HBJ ADDED THE GOQ HAD NO
INTENTION TO PURSUE SUCH A TRIAL.

13. (S) NOTWITHSTANDING HBJ'S DENIAL OF ANY QATAR-TALIBAN
CONTACT ON THIS ISSUE, PUBLIC DISCUSSION OF THIS TRIBUNAL
OR ANY OTHER OPTION FOR TRYING UBL DURING THE TALIBAN HIGH
LEVEL VISIT WOULD ONLY SERVE TO CONFUSE THE ISSUE OF
TALIBAN COMPLIANCE WITH THE RESOLUTIONS. THE SPECIFIC
OPTION MENTIONED IN REF A IS ALSO UNACCEPTABLE TO THE U.S.
FOR A VARIETY OF REASONS, INCLUDING THE FACT THAT IT WOULD
ATTEMPT TO FORCE THE U.S. TO PRESENT EVIDENCE AGAINST BIN
LADEN OUTSIDE OF U.S. JURISDICTION. IT IS ALSO UNCERTAIN
WHETHER THIS PROPOSAL WOULD MEET THE TERMS OF UN
RESOLUTIONS 1267 AND 1333. AMBASSADOR MCKUNE IS
REQUESTED TO DELIVER THE FOLLOWING POINTS TO HBJ OR
ANOTHER QATARI GOVERNMENT OFFICIAL AT A SUITABLE LEVEL:

14. (SECRET/REL QATAR)

-- WE ARE HEARING RUMORS THAT THE TALIBAN MAY PROPOSE TO
HOLD A TRIAL FOR USAMA BIN LADEN IN A THIRD COUNTRY.

-- WE UNDERSTAND THERE HAS BEEN NO SUCH APPROACH TO THE
GOVERNMENT OF QATAR, BUT WE WANT YOU TO BE AWARE OF OUR
VIEWS. WITHOUT STUDYING THE DETAILS OF ANY SUCH PROPOSAL,
WE SERIOUSLY QUESTION WHETHER A THIRD COUNTRY TRIAL WOULD
MEET THE REQUIREMENTS THE SECURITY COUNCIL HAS LAID DOWN.

-- AS YOU KNOW, BIN LADEN IS UNDER INDICTMENT IN THE US,
AND OUR POSITION IS THAT WE WANT HIM FOR TRIAL IN THE US.
IF THE TALEBAN HAVE A SERIOUS PROPOSAL, THEY SHOULD
PRESENT IT TO THE US.

-- YOU MAY TELL THE TALIBAN THAT THE CONTENTS OF YOUR
CONVERSATIONS WILL BE SHARED WITH THE UNITED STATES.

